**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**O. O. C. J.**

SUMMARY SUIT NO.3314 OF 2006

M/s.Otarmal Kantilal & Co. ...Plaintiff.
Vs.
Seema Suresh Narhari & Anr. ...
Defendants.

....

Mr. Hrushikesh Nikumb for the Plaintiff.
None for the Defendants.

.....

**CORAM : DR.D.Y.CHANDRACHUD, J.**
16th April 2007.

**P.C.**:

The suit under Order 37 of the Code of Civil Procedure, 1908 is based on a demand Bill of Exchange drawn by the First Defendant on 30th May 2005 in the amount of Rs.60,000/- and accepted by the Second Defendant. It has been averred that upon presentation, the Bill of Exchange was dishonoured by the First and Second Defendants. There was no reply to the notice of demand dated 1st December 2005.

The Defendants have been served with the writ of summons. An affidavit of service has been filed. A compilation of the original documents on the basis of which the suit has been instituted has also been tendered on the record. The claim of the Plaintiff is duly established. Even otherwise, the Defendants having failed to enter appearance, the Plaintiff would be entitled to

a decree as prayed under the provision of Order 37. The suit shall accordingly be decreed in terms as prayed save and except with the modification that the Plaintiff shall be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court fee, if any, as per rules.

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